

**Deepa Vs. Anil Panicker**

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**SooperKanoon Citation :** [sooperkanoon.com/841536](http://sooperkanoon.com/841536)

**Court :** Supreme Court of India

**Decided On :** Jan-17-2000

**Reported in :** 2000(9)SCC441

**Judge :** S.P. Bharucha and; Syed Shah Mohammed Quadri, JJ.

**Acts :** [Code Of Civil Procedure \(CPC\), 1908](#) - 25; [Hindu Marriage Act 1955](#) - Section 9

**Appeal No. :** Transfer Petition (C) No. 871 of 1999

**Appellant :** Deepa

**Respondent :** Anil Panicker

**Judgement :**

S.P. Bharucha and; Syed Shah Mohammed Quadri, JJ.

1. The respondent husband has been served but he has not chosen to put in an appearance.

2. The transfer petition is filed by the wife. It seeks the transfer of the petition for restitution of conjugal rights filed by the husband in the Court of the Judicial Commissioner, Ranchi to a competent court in Trichur. The wife stays in Trichur. She avers that she is not employed and has no source of income. Her parents are not financially in a position to pay for her journeys to Ranchi to defend the suit.

Apart from this, she cannot safely undertake a train journey of forty-eight hours or so alone or stay in Ranchi alone. These averments are not denied. It appears to us, therefore, appropriate to allow the transfer petition and transfer Matrimonial Suit No. 60 of 1999 pending in the Court of the Judicial Commissioner, Ranchi to the Matrimonial Court, Trichur.

3. No order as to costs.

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